

The opinion in support of the decision being entered today
is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte SOON JO LEE and SEONG HAI JEONG

Appeal 2007-2324
Application 10/629,775
Technology Center 3700

Decided: August 21, 2007

Before TONI R. SCHEINER, ERIC GRIMES, and NANCY J. LINCK,
Administrative Patent Judges.

GRIMES, *Administrative Patent Judge.*

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134 involving claims to a laundry dryer top cover assembly. The Examiner has rejected the claims as obvious. We have jurisdiction under 35 U.S.C. § 6(b). We reverse.

BACKGROUND

The base, front plate, side plates, back cover, and top cover of laundry dryers “are formed of steel plate . . . [to] prevent[] a fire taking place in the cabinet . . . from spreading to an exterior” (Specification 2-3). A top cover

of a laundry dryer made by painting pressed steel plate “has a poor aesthetic quality from a design standpoint” because of its “simple flat surface” (*id.* at 3). “Moreover, even if the top cover is curved for better design, the top cover of steel plate shows wrinkles on its periphery” (*id.*).

The Specification discloses a “top cover assembly for a laundry dryer[] that separates the top cover from the fire resistant housing, thereby allowing for a greater variety of materials and designs to be used on the top surface while still preventing fire taking place in the laundry dryer from spreading to the exterior” (*id.*).

DISCUSSION

1. CLAIMS

Claims 2-20 and 22-26 are pending and on appeal. Claim 26, the broadest claim on appeal, is representative and reads as follows:

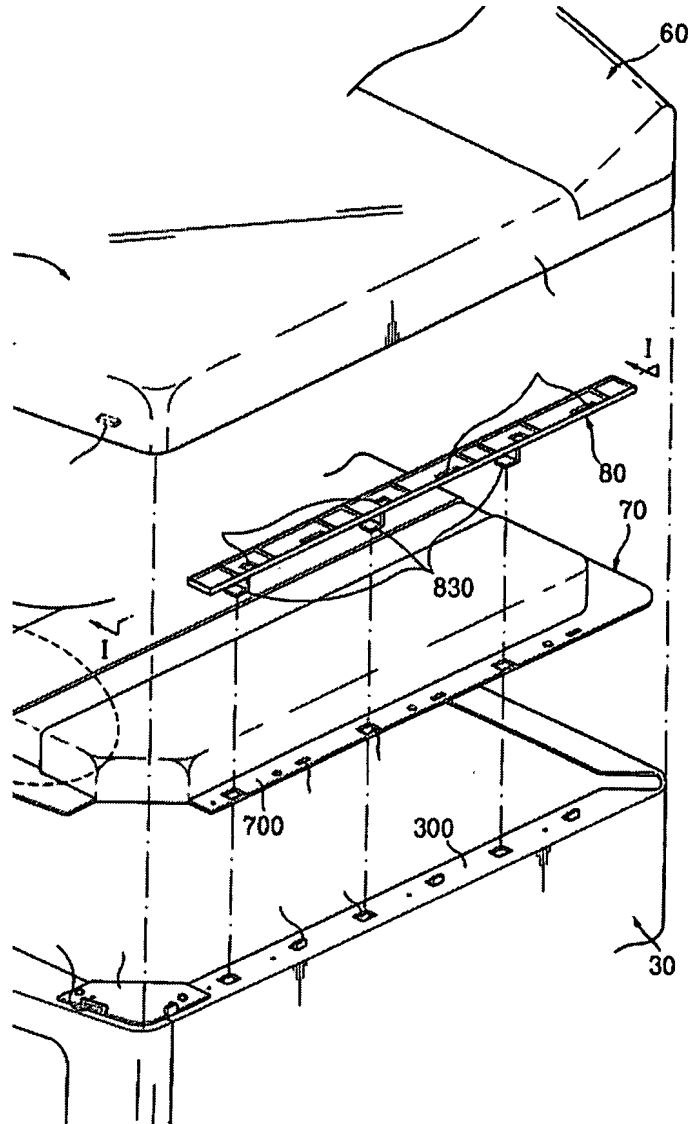
26. A laundry dryer top cover assembly comprising:
a top cover mounted on a side plate of a cabinet;
a fire plate disposed between the side plate and the top cover for preventing fire from spreading outside the laundry dryer; and
a cabinet holder configured to fasten the fire plate to the side plate wherein the cabinet holder includes a plurality of fastening pieces configured for insertion into the fire plate and the side plate.

Thus, the assembly defined by claim 26 includes a top cover mounted on a side plate of a cabinet, with a fire plate between the top cover and side plate. The assembly also includes a “cabinet holder” that has a plurality of fastening pieces that insert into both the fire plate and side plate.

It is well settled that “claims in an application are to be given their broadest reasonable interpretation consistent with the specification, and that

claim language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art.” *In re Sneed*, 710 F.2d 1544, 1548, 218 USPQ 385, 388 (Fed. Cir. 1983) (citation omitted). The Specification does not define the term “cabinet holder.”

However, Figure 3 shows an example of the claimed assembly including the cabinet holder. Figure 3 is reproduced below (with unnecessary reference numerals omitted):



The figure shows top cover 60 and side plate 30, with fire plate 70 in between. Figure 3 also shows cabinet holder 80 as a bar-shaped piece placed atop flange 700 of fire plate 70. Cabinet holder 80 has fastening pieces 830, which are a series of bent tabs that extend downward from the bar-shaped cabinet holder 80. “[T]he fastening pieces 830 are respectively inserted into the first and second fastening holes . . . on the flanges 300 and 700, for joining the fire plate 70 with the side plate 30” (Specification 8).

We therefore interpret the “cabinet holder” in claim 26 to be a distinct piece of the claimed assembly. While claim 26 does not exclude the cabinet holder from being fastened to the fire plate and side plate by non-integrated fasteners such as nuts, bolts, or screws, the claim requires the cabinet holder to have a plurality of fastening pieces as parts of its structure, such as the bent tabs shown in Figure 3. The fastening pieces of the cabinet holder must be configured so that they insert into both the fire plate and the side plate.

PRIOR ART

The Examiner relies on the following references:

Vonderhaar	US 3,402,281	Sep. 17, 1968
Holub	US 1,550,700	Aug. 25, 1925
Yandell	US 1,993,201	Mar. 5, 1935

3. OBVIOUSNESS -- CLAIMS 5-18 and 22-26

Claims 5-18 and 22-26 stand rejected under 35 U.S.C. § 103 as obvious in view of Vonderhaar and Holub (Answer 3-5).

The Examiner states that the term “‘fire plate’ is broadly and reasonably construed” to encompass any barrier that prevents fire passage,

based on the Specification's discussion in paragraphs [0007] and [0041], which state that a fire plate is merely a plate that stops fire from spreading (*id.* at 3). The Examiner states that Vonderhaar's stove has two structures encompassed by that interpretation: "fire plate 134 . . . or alternatively . . . fire plate 77" (*id.* at 4).

As to the cabinet holder, the Examiner states that "cabinet holder 136 join[s] the fire plate to the side plate, the cabinet holder including a plurality of fastening pieces on an underside of the cabinet holder wherein the plurality of first fastening holes receive the plurality of fastening pieces as discussed in column 6 line 58" (*id.*). Alternatively, the Examiner cites item 82 as being configured to fasten the fire plate 77 to the side plate "wherein the cabinet holder includes a plurality of fastening pieces configured for insertion into the fire plate and the side plate as disclosed at column 5 lines 4-22 because the disclosed studs or pins are construed to be fastening pieces" (*id.*).

Based on these teachings, the Examiner finds that Vonderhaar discloses the claimed invention, except for its laundry dryer application, but that "Holub, another appliance, is considered to disclose a laundry dryer application in the field of fire prevention at column 2 line 15 through column 5 line 27" (*id.* at 5). The Examiner concludes that one of ordinary skill would have considered it obvious "to combine the teachings of Vonderhaar with the laundry dryer application for the purpose of fire prevention in the field of laundry drying and for the purpose of containing fire within the domestic appliance" (*id.*).

Appellants argue that the cited references fail to disclose or suggest an assembly with elements having the configuration required by claim 26 (Br. 5-6). Specifically, Appellants argue that Vonderhaar does not disclose that the dimpled sections 136, identified by the Examiner as corresponding to the cabinet holder, “are capable of joining support member 134, which is alleged to be [the] claimed fire plate, to the side panel 11, which is alleged to be the claimed side plate” (*id.* at 5). Appellants argue that even if Vonderhaar’s item 82 is alternatively considered to be the cabinet holder, that structure does not meet the limitation requiring the cabinet holder to have a plurality of fastening pieces configured for insertion into the fire plate and the side plate (*id.* at 6).

The Examiner responds that “the claimed configuration is reasonably and broadly construed in light of Appellants’ specification, such that column 5 lines 4 through 22, discloses studs or pins which meet the structural and function[al] limitation of the claimed fastening pieces” (Answer 7). The Examiner urges that “[t]hroughout primary reference Vonderhaar, fastening pieces are disclosed such that the claimed configuration of fire plate and slide plate insertion are met by that reference” (*id.*). The Examiner cites Vonderhaar as disclosing, at column 5, beginning at line 15, “studs or pins 86 . . . adapted for fastening main section cabinet holder 82 with cook top cover 12 and fire plate 77 wherein the fire plate is between the side panel plate 11 and the top cover. These studs or pins meet the claimed fastening pieces configuration” (*id.*).

We do not agree with the Examiner that Vonderhaar discloses or suggests the configuration of elements required by claim 26. Vonderhaar

discloses a stove having a “side panel 11” (Vonderhaar, col. 5, l. 8), a “panel support member 134” (*id.* at col. 6, l. 51), and “dimpled sections 136” (*id.* at col. 6, l. 59), respectively urged by the Examiner as corresponding to claim 26’s side plate, fire plate, and cabinet holder (see also, *id.* at Figure 5). We also note Vonderhaar’s disclosure that the panel support member has a bottom flange 135 that has “a plurality of openings adapted to be aligned with the openings in the dimpled sections 136 for mounting the support member,” and that the disclosed configuration “substantially lessen[s] the conductive heat passing from the oven cavity through the top liner section to the control panel” (*id.* at col. 6, ll. 58-65).

However, we do not see where the passages cited by the Examiner or any other portions of Vonderhaar disclose that the asserted cabinet holder 136 inserts into both the side plate 11 and the fire plate 134, in a manner allowing the side and fire plates to be fastened together, as claim 26 requires. Moreover, we do not see where Holub suggests that any of the elements in Vonderhaar should be modified so as to result in the configuration required by claim 26.

Regarding the Examiner’s alternative basis for rejection, we note that Vonderhaar discloses “a burner box generally indicated at 77” (Vonderhaar, col. 4, ll. 72-73), and “main section 82 of each [side] panel 11 . . . bent at the front thereof to form a . . . flange 84 generally parallel to the main section 82 and spaced therefrom” (*id.* at col. 5, ll. 9-13; see also Figure 5). Vonderhaar also discloses that the flange 84 in main section 82 has slots 85 which accommodate pins 86, allowing mounting of the side panels 11 to the stove’s base 10 (*id.* at col. 5, ll. 23-32).

Even accepting the Examiner's premise that burner box 77 and main section 82 correspond respectively to claim 26's fire plate and cabinet holder, however, those elements are not configured as required by claim 26. We note that main section 82 has slots 85 that accommodate pins 86 allowing the side plate to be mounted to the base 10 and inner liner 41 of the stove (see, e.g. Vonderhaar, Figure 5). However, we do not see where the passages cited by the Examiner, or any other portions of Vonderhaar, disclose that the slots or pins in main section 82 insert into both the burner box 77 and the side panel 11, or fasten those two structures together. We therefore do not agree with the Examiner that either of the asserted alternative fire plate/cabinet holder combinations discloses or suggests the configuration recited in claim 26. We also do not see where Holub suggests modifying these elements to achieve the configuration required in claim 26.

We therefore reverse the Examiner's rejection of claim 26. Because the remaining claims subject to this ground of rejection require a cabinet holder having "a plurality of fastening pieces" configured to secure the fire plate to the side plate, the Examiner's rejection is reversed with respect to those claims also.

4. OBVIOUSNESS -- CLAIMS 2-4, 19, and 20

Claims 2-4, 19, and 20 stand rejected under 35 U.S.C. § 103 as obvious in view of Vonderhaar, Holub, and Yandell (Answer 5-6).

The Examiner urges that one of ordinary skill would have considered it obvious "to combine the teachings of Vonderhaar in view of Holub with the curved top surface and matching fire plate curvature, considered

disclosed in Yandell, for the purpose of containing pressure from forces such as fire as discussed in the first three columns of that reference” (Answer 6).

We reverse the Examiner’s rejections of these claims. All of the rejected claims require the same configuration of fire plate, side plate, and cabinet holder recited in claim 26. As discussed above, we do not agree with the Examiner that Vonderhaar and Holub would have rendered obvious a laundry dryer top cover assembly that has a cabinet holder configured to fasten a fire plate to a side plate, the cabinet holder having a plurality of fastening pieces configured for insertion into the fire plate and the side plate.

Yandell fails to remedy the shortcomings of the other references with respect to the claimed cabinet holder. We therefore reverse the obviousness rejections of claims 2-4, 19, and 20 over Vonderhaar, Holub, and Yandell.

SUMMARY

We reverse the Examiner’s rejection of claims 5-18 and 22-26 as obvious over Vonderhaar and Holub. We also reverse the Examiner’s rejection of claims 2-4, 19, and 20 as obvious over Vonderhaar, Holub, and Yandell.

REVERSED

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